

*West Virginia Department of Environmental Protection*

*Division of Air Quality*

*Jim Justice  
Governor*

*Austin Caperton  
Cabinet Secretary*

# Permit to Modify



**R13-1512K**

*This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

Issued to:

**Rust-Oleum Corporation**  
**LeSage Facility**  
**011-00045**

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*William F. Durham  
Director*

*Issued: DRAFT*

This permit will supercede and replace Permit R13-1512J.

Facility Location: LeSage, Cabell County, West Virginia  
Mailing Address: 7850 Ohio River Rd; Lesage, WV 25537  
Facility Description: Paint Product Blending and Repackaging  
NAICS Codes: 325510 - Paint and Coating Manufacturing  
UTM Coordinates: 388.1 km Easting • 4,268.4 km Northing • Zone 17  
Permit Type: Modification  
Description of Change: Installation of a new paint filling line for a new line of product (RESTORE; two variants: 4X and 10X) to be manufactured at the facility. Installation of Dust Collector (DC-2, EDC-2) to operate in parallel with existing Dust Collector (DC-1, EDC-1) to provide supplemental capacity or act as a backup device to allow production to continue if the existing collector has to be taken off line. Also, to correct administrative errors in Emissions Unit Table 1, pages 3 - 6.

*Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [ §§ 22B-1-1 et seq. ], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.*

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*The source is not subject to 45CSR30.*

## Table of Contents

<b>1.0. Emission Units .....</b>	<b>3</b>
<b>2.0. General Conditions .....</b>	<b>7</b>
2.1. Definitions .....	7
2.2. Acronyms .....	7
2.3. Authority .....	8
2.4. Term and Renewal.....	8
2.5. Duty to Comply .....	8
2.6. Duty to Provide Information.....	8
2.7. Duty to Supplement and Correct Information.....	9
2.8. Administrative Permit Update .....	9
2.9. Permit Modification .....	9
2.10. Major Permit Modification.....	9
2.11. Inspection and Entry.....	9
2.12. Emergency.....	10
2.13. Need to Halt or Reduce Activity Not a Defense.....	10
2.14. Suspension of Activities .....	10
2.15. Property Rights.....	11
2.16. Severability.....	11
2.17. Transferability .....	11
2.18. Notification Requirements.....	11
2.19. Credible Evidence .....	11
<b>3.0. Facility-Wide Requirements .....</b>	<b>12</b>
3.1. Limitations and Standards .....	12
3.2. Monitoring Requirements.....	12
3.3. Testing Requirements .....	12
3.4. Recordkeeping Requirements.....	13
3.5. Reporting Requirements .....	14
<b>4.0. Source-Specific Requirements .....</b>	<b>16</b>
4.1. Limitations and Standards .....	16
4.2. Monitoring Requirements.....	17
4.3. Testing Requirements.....	18
4.4. Recordkeeping Requirements.....	18
4.5. Reporting Requirements .....	19
<b>CERTIFICATION OF DATA ACCURACY.....</b>	<b>20</b>

**1.0 Emission Units**

<b>ID. No.</b>	<b>Emission Point ID</b>	<b>Emission Unit Description</b>	<b>Year Installed</b>	<b>Design Capacity</b>	<b>Control Device</b>
TK-1	E-TK-1	Outside Storage Tank	1994	20,000 gal	Vapor Balance
TK-2	E-TK-2	Outside Storage Tank	1994	20,000 gal	Vapor Balance
TK-3	E-TK-3	Outside Storage Tank	1994	20,000 gal	Vapor Balance
TK-4	E-TK-4	Outside Storage Tank	1994	20,000 gal	Vapor Balance
TK-5	E-TK-5	Outside Storage Tank	1994	10,000 gal	Vapor Balance
TK-6	E-TK-6	Outside Storage Tank	1994	10,000 gal	Vapor Balance
TK-7	E-TK-7	Outside Storage Tank	1994	10,000 gal	Vapor Balance
TK-8	E-TK-8	Outside Storage Tank	1994	10,000 gal	Vapor Balance
TK-9	E-TK-9	Toluene Storage Tank	1994	10,000 gal	Vapor Balance
TK-10	E-TK-10	Methylene Chloride Storage Tank	1994	10,000 gal	Vapor Balance
TK-11	E-TK-11	Methanol Storage Tank	1994	10,000 gal	Vapor Balance
TK-14	E-TK-14	Outside Storage Tank	1994	10,000 gal	Vapor Balance
TK-16	E-TK-16	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-17	E-TK-17	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-18	E-TK-18	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-20	E-TK-20	Xylene Storage Tank	1994	5,000 gal	Vapor Balance
TK-21	E-TK-21	Methyl Ethyl Ketone Storage Tank	1994	5,000 gal	Vapor Balance
TK-22	E-TK-22	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-24	E-TK-24	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-25	E-TK-25	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-26	E-TK-26	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-27	E-TK-27	Outside Storage Tank		5,000 gal	None
TK-28	E-TK-28	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-29	E-TK-29	Xylene Storage Tank	1994	5,000 gal	Vapor Balance
TK-30	E-TK-30	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-301	E-TK-301	Indoor Storage Tank		5,000 gal	Vapor Balance
TK-302	E-TK-302	Indoor Storage Tank		10,000 gal	Vapor Balance
TK-303	E-TK-303	Indoor Storage Tank		5,000 gal	Vapor Balance
TK-304	E-TK-304	Indoor Storage Tank		5,712 gal	None
TK-305	E-TK-305	Indoor Storage Tank		5,000 gal	Vapor Balance
TK-306	E-TK-306	Indoor Storage Tank	2013	10,000 gal	Vapor Balance
TK-307	E-TK-307	Indoor Storage Tank	2014	10,000 gal	Vapor Balance

**1.0 Emission Units**

<b>ID. No.</b>	<b>Emission Point ID</b>	<b>Emission Unit Description</b>	<b>Year Installed</b>	<b>Design Capacity</b>	<b>Control Device</b>
TK-308	Not Assigned	Pilotec PA-05 (No Emissions/Water Based Paint Only)	2016	5,000 gal	None
TK-309	Not Assigned	BASF Acronal 296D (No Emissions/Water Based Paint Only)	2016	7,500 gal	None
TK-310	EFUG1	HDPE Inside Latex Storage Tank (DeMinimis Source)	2017	8,800 gal	None
TD-1	E-TK-1, E-TK-2, TK-3	Indoor Mixing Tank		4,000 gal	Vapor Balance
TD-2	E-TK-1, TK-3	Indoor Mixing Tank		4,000 gal	Vapor Balance
TD-3	E-TK-1, TK-3	Indoor Mixing Tank		4,000 gal	Vapor Balance
TD-4	E-TK-12	Indoor Mixing Tank		3,000 gal	Air Tight Hooper
TD-5	E-TK-12	Indoor Mixing Tank		3,000 gal	Air Tight Hooper
TD-6	E-TK-12	Indoor Mixing Tank		3,000 gal	Air Tight Hooper
TD-7	E-TK-12	Indoor Mixing Tank		3,000 gal	Air Tight Hooper
TD-8	E-TK-1	Indoor Mixing Tank		3,000 gal	Air Tight Hooper
TD-9	ST-4	Indoor Mixing Tank		3,000 gal	None
TD-10	ST-4	Indoor Mixing Tank		3,000 gal	None
TD-13	E-TK-1, E-TK-3	Indoor Mixing Tank		2,000 gal	Vapor Balance
TD-14	E-TK-1, E-TK-3	Indoor Mixing Tank		2,000 gal	Vapor Balance
TD-15	E-TK-1, E-TK-3	Indoor Mixing Tank		2,000 gal	Vapor Balance
TD-16	E-TK-5	Indoor Mixing Tank		2,000 gal	Vapor Balance
TD-17	ST-5	Indoor Mixing Tank		1,400 gal	None
TD-19	Vents Inside	Indoor Mixing Tank		300 gal	None
TD-20	ST-2	Indoor Mixing Tank		500 gal	None
TD-21	ST-5	Indoor Mixing Tank		1,400 gal	None
TD-22	ST-5	Indoor Mixing Tank		1,400 gal	None
TD-23	ST-3	Indoor Mixing Tank		2,000 gal	None
TD-24	ST-3	Indoor Mixing Tank		2,000 gal	None
TD-25	E-TD-25	Indoor Storage Tank		4,000 gal	None
TD-26	E-TD-26	Indoor Storage Tank		4,000 gal	None
TD-27	E-TD-27	Indoor Storage Tank		4,000 gal	None
TD-28	E-TD-28	Indoor Storage Tank		4,000 gal	None
TD-29	ST-4	Indoor Mixing Tank		3,000 gal	None

**1.0 Emission Units**

<b>ID. No.</b>	<b>Emission Point ID</b>	<b>Emission Unit Description</b>	<b>Year Installed</b>	<b>Design Capacity</b>	<b>Control Device</b>
TD-30	ST-4	Indoor Mixing Tank		3,000 gal	None
TD-31	ST-4	Indoor Mixing Tank		3,000 gal	None
TD-32	E-TD-32	Indoor Storage Tank		2,000 gal	None
TD-33	ST-5	Indoor Mixing Tank		1,400 gal	None
TD-34	ST-5	Indoor Mixing Tank		1,400 gal	None
TD-35	ST-5	Indoor Mixing Tank		1,400 gal	None
TD-36	ST-3	Indoor Mixing Tank		2,000 gal	None
TD-37	E-TK-2	Indoor Mixing Tank		2,000 gal	Vapor Balance
TD-38	ST-2	Indoor Mixing Tank		1,800 gal	None
TD-39	ST-3	Indoor Mixing Tank		1,800 gal	None
TD-40	ST-3	Indoor Mixing Tank		1,800 gal	None
TD-41	E-TK-2	Indoor Mixing Tank		2,000 gal	Vapor Balance
TD-42	Vents Inside	Indoor Mixing Tank		2,000 gal	None
TD-43	Vents Inside	Indoor Mixing Tank		2,000 gal	None
TD-44	Vents Inside	Indoor Mixing Tank		2,000 gal	None
TD-45	Vents Inside	Indoor Mixing Tank	2014	1,100 gal	None
TD-46	Not Assigned	Mixing Tank for OK 811 (No Emissions/Water Based Paint Only)	2016	1,000 gal	None
TD-47	Not Assigned	Seal-Krete Clear Seal Gloss Sealer (No Emissions/Water Based Paint Only)	2016	1,000 gal	None
TD-48	Not Assigned	Seal-Krete Epoxy Seal (No Emissions/Water Based Paint Only)	2016	4,000 gal	None
PDT-1	Vents Inside	Portable Dispenser Tank		180 gal	None
PDT-2	Vents Inside	Portable Dispenser Tank		180 gal	None
PDT-3	Vents Inside	Portable Dispenser Tank		180 gal	None
DT-1	ST-1	Dispenser Tank		850 gal	DC-1 and/or DC-2
DT-2	ST-1	Dispenser Tank		850 gal	DC-1 and/or DC-2
DT-3	ST-1	Dispenser Tank		850 gal	DC-1 and/or DC-2
DT-4	ST-1	Dispenser Tank		430 gal	DC-1 and/or DC-2
DT-5	ST-1	Portable Dispenser Tank		430 gal	DC-1 and/or DC-2
DT-6	ST-1	Portable Dispenser Tank		430 gal	DC-1 and/or DC-2
DT-7	E-DT-7	Glycol Ether DPM	2016	180 gal	None

**1.0 Emission Units**

<b>ID. No.</b>	<b>Emission Point ID</b>	<b>Emission Unit Description</b>	<b>Year Installed</b>	<b>Design Capacity</b>	<b>Control Device</b>
DT-8	E-DT-8	Glycol Ether DPM	2016	180 gal	None
DT-9	E-DT-9	Glycol Ether DPM	2016	180 gal	None
DT-10	Not Assigned	Seal-Krete Floor Tex Tintable Textured Coating (No Emissions/Water Based Paint Only)	2016	1,500 gal	None
DT-11	Not Assigned	Seal-Krete Epoxy Seal (No Emissions/Water Based Paint Only)	2016	1,000 gal	None
S-1	EFUG1	Filling Machine Line 1		60 gpm	None
S-2	EFUG1	Filling Machine Line 2		45 gpm	None
S-3	EFUG1	Filling Machine Line 3		28 gpm	None
S-4	EFUG1	Filling Machine Line 4	2017	28 gpm	None
S-5	EFUG1	Filling Machine Line 5 (5-Gal/O)		20 gpm	None
S-6	EFUG1	Filling Machine 6 (WP)		4 gpm	None
S-7	EFUG1	Filling Machine 7 (5-Gal/W)	2016	20 gpm	None
S-8	EFUG1	Filling Machine 8 (Mezz)	2016	20/25 gpm	None
S-9	EFUG1	Filling Machine Line 9 (Hand-fill)		2gpm	None
S-10	EFUG1	Filling Machine 10 (1-3 Gal)	2017	16 gpm	None
DT-1 thru DT-6	E-ST-1 <sup>2</sup>	Combined Stack Vent	1994	1200 CFH	None
B1	E-B1	Burnham, Series 2A Heat Input Boiler	1997	299 MBTU/hr	None
H1-H15	E-H1 thru E-H15	DX-HL Series Tube Heaters	1997	0.2 MMBTU/hr	None
RB-1	EFUG1	Ribbon Blender (mixes sand & other solids into base latex)	2017	3,000 gallon	None
<b>Control Devices</b>					
DC-1	EDC-1				
DC-2	EDC-2	Donaldson Torit Downflo Oval 3-18 (DFO 3-18) Dust Collection System with Cartridge Style Filters	2017	8,000 ACFM	Not Applicable

**NOTE 1:** Design capacity of vent (E-TK-1 through E-TK-30) is for filling rate of 100 gpm maximum through a 2 inch filling line from tank truck unload to storage tank and 2" vent return from the storage tank to the tank truck. Each tank has a conservation vent for pressure relief in the event a vapor balance line is plugged. The capacity of each vent at the tank relief pressure can be included if needed however this is a worse case scenario and not a design capacity.

**NOTE 2:** E-ST-1 stack vent has a blower with a 1,200 CFH discharge capacity.

## 2.0. General Conditions

### 2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45 CSR § 30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

### 2.2. Acronyms

<b>CAAA</b>	Clean Air Act Amendments	<b>NO<sub>x</sub></b>	Nitrogen Oxides
<b>CBI</b>	Confidential Business Information	<b>NSPS</b>	New Source Performance Standards
<b>CEM</b>	Continuous Emission Monitor	<b>PM</b>	Particulate Matter
<b>CES</b>	Certified Emission Statement	<b>PM<sub>2.5</sub></b>	Particulate Matter less than 2.5µm in diameter
<b>C.F.R. or CFR</b>	Code of Federal Regulations	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>CO</b>	Carbon Monoxide	<b>Ppb</b>	Pounds per Batch
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>pph</b>	Pounds per Hour
<b>DAQ</b>	Division of Air Quality	<b>ppm</b>	Parts per Million
<b>DEP</b>	Department of Environmental Protection	<b>Ppmv or ppmv</b>	Parts per million by volume
<b>dscm</b>	Dry Standard Cubic Meter	<b>PSD</b>	Prevention of Significant Deterioration
<b>FOIA</b>	Freedom of Information Act	<b>psi</b>	Pounds per Square Inch
<b>HAP</b>	Hazardous Air Pollutant	<b>SIC</b>	Standard Industrial Classification
<b>HON</b>	Hazardous Organic NESHAP	<b>SIP</b>	State Implementation Plan
<b>HP</b>	Horsepower	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>lbs/hr</b>	Pounds per Hour	<b>TAP</b>	Toxic Air Pollutant
<b>LDAR</b>	Leak Detection and Repair	<b>TPY</b>	Tons per Year
<b>M</b>	Thousand	<b>TRS</b>	Total Reduced Sulfur
<b>MACT</b>	Maximum Achievable Control Technology	<b>TSP</b>	Total Suspended Particulate
<b>MDHI</b>	Maximum Design Heat Input	<b>USEPA</b>	United States Environmental Protection Agency
<b>MM</b>	Million	<b>UTM</b>	Universal Transverse Mercator
<b>MMBtu/hr or mmbtu/hr</b>	Million British Thermal Units per Hour	<b>VEE</b>	Visual Emissions Evaluation
<b>MMCF/hr or mmcf/hr</b>	Million Cubic Feet per Hour	<b>VOC</b>	Volatile Organic Compounds
<b>NA</b>	Not Applicable	<b>VOL</b>	Volatile Organic Liquids
<b>NAAQS</b>	National Ambient Air Quality Standards		
<b>NESHAPS</b>	National Emissions Standards for Hazardous Air Pollutants		

### **2.3. Authority**

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;*
- 2.3.2. 45CSR19 – *Requirements for Pre-Construction Review, Determination of Emission Offsets for Proposed New or Modified Stationary Sources of Air Pollution and Emission Trading for Intrasource Pollutants.*

### **2.4. Term and Renewal**

- 2.4.1. This permit supercedes and replaces previously issued Permit R13-1512J. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

### **2.5. Duty to Comply**

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Applications R13-1512K, R13-1512J, R13-1512I, R13-1512H, R13-1512G, R13-1512F, R13-1512E, R13-1512D, R13-1512C, R13-1512B, R13-1512A, R13-1512 and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to; **[45CSR§§13-5.11 and 13-10.3]**
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

### **2.6. Duty to Provide Information**

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality

in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

## **2.7. Duty to Supplement and Correct Information**

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

## **2.8. Administrative Update**

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-4]

## **2.9. Permit Modification**

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-5.4.]

## **2.10. Major Permit Modification**

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.

[45CSR§13-5.1]

## **2.11. Inspection and Entry**

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

## **2.12. Emergency**

- 2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are not met.
- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and,
  - d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emission, and corrective actions taken.
- 2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- 2.12.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

## **2.13. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

## **2.14. Suspension of Activities**

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

**2.15. Property Rights**

This permit does not convey any property rights of any sort or any exclusive privilege.

**2.16. Severability**

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

**2.17. Transferability**

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13.  
**[45CSR§13-10.1]**

**2.18. Notification Requirements**

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

**2.19. Credible Evidence**

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

### 3.0. Facility-Wide Requirements

#### 3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.  
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.  
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.  
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.  
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.  
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11.  
[45CSR§11-5.2.]

#### 3.2. Monitoring Requirements

*[Reserved]*

#### 3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or

established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- d. The permittee shall submit a report of the results of the stack test within sixty (60) days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
  1. The permit or rule evaluated, with the citation number and language;
  2. The result of the test for each permit or rule condition; and,
  3. A statement of compliance or noncompliance with each permit or rule condition.

**[WV Code § 22-5-4(a)(14-15) and 45CSR13]**

### 3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.
- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.  
**[45CSR§4. State-Enforceable only.]**

### 3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class or by private carrier with postage prepaid to the address(es), or submitted in electronic format y email as set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

**DAQ:**

Director  
WVDEP  
Division of Air Quality  
601 57th Street, SE  
Charleston, WV 25304-2345

**DAQ Compliance and Enforcement<sup>1</sup>:**  
[DEPAirQualityReports@wv.gov](mailto:DEPAirQualityReports@wv.gov)

**US EPA:**

Associate Director  
Office of Air Enforcement and Compliance  
Assistance  
(3AP20)  
U. S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

<sup>1</sup>For all self-monitoring reports (MACT, GACT, NSPS, etc.), stack tests and protocols, Notice of Compliance Status Reports, Initial Notifications, etc.

3.5.4. **Operating Fee.**

3.5.4.1. In accordance with 45CSR22 – Air Quality Management Fee Program, the permittee shall not operate nor cause to operate the permitted facility or other associated facilities on the same or contiguous sites comprising the plant without first obtaining and having in current effect a Certificate to Operate (CTO). Such Certificate to Operate (CTO) shall be renewed annually, shall be maintained on the premises for which the certificate has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

#### 4.0. Source-Specific Requirements

##### 4.1. Limitations and Standards

4.1.1. The permittee shall not exceed the listed throughput for corresponding raw material listed in the table below on an annual basis. No volatile organic compound with a true vapor pressure of greater than or equal to 15.0 kilopascals shall be stored at this facility.

<b>Table 4.1.1.</b>		
<b>Tank Number</b>	<b>Raw Material</b>	<b>Throughput (gal/yr)</b>
TK-9	Toluene (HAP)	500,000
TK-11	Methanol (HAP)	500,000
TK-10	Methylene Chloride (HAP &TAP) (Non-VOC)	440,000
TK-21	Methyl Ethyl Ketone	710,000
TK-20	Xylene (HAP)	20,000
TK-29	Xylene (HAP)	130,000
All outside storage tanks expect for TK-9, TK-11, TK-10, TK-20, TK-21, and TK-29	Hi Sol 10	100,000
	Propylene Glycol Methyl Ether	50,000
	Dipropylene Glycol Methyl Ether	1,000,000
	Mineral Spirits	4,000,000
	Denatured Alcohol 200 Proof	500,000
	Denatured Alcohol	9,000,000
	Oxsol 100	100,000
	Poly 55% Resin (mineral based)	2,000,000
	Poly 60% Resin	2,000,000
	Poly 75% Resin	1,000,000
	Poly 55% Resin (oxsol based)	2,000,000
	Isopropanol	50,000
	Octamethylcyclotetra siloxane	100,000
	VM&P Naphtha	250,000
Ethyl 3-Ethoxypropionate	50,000	
ASSOC 140	50,000	
Soy Bean Oil	100,000	

- 4.1.2. Methylene Chloride emissions from emission point E-TK-10 shall not exceed an instantaneous rate of 18.47 pounds per hour (lb/hr).
- 4.1.3. Toxic Air Pollutants Annual Emission Limits.
- i. Methylene Chloride emissions from the facility (including fugitive emissions) shall not exceed 5,000 pounds per year (lb/yr).
  - ii. Formaldehyde emissions from the facility (including fugitive emissions) shall not exceed 1,000 pounds per year (lb/yr).
- 4.1.4. 90 percent (%) of all tank truck unloading of each individual raw materials listed in Section 4.1.1. , shall be controlled by utilizing vapor tight vapor balance lines between the outside raw material storage tank and tank truck.
- 4.1.5. Methylene chloride emissions associated with the transfer, from storage tanks to process vessels, of all material containing methylene chloride as a component, shall be controlled or minimized by the use of vapor tight vapor balance lines with each vessel and tank sealed and vapor tight during such transfer.
- 4.1.6. Tube Heaters H1 through H15 shall limited to consuming propane or pipe line quality natural gas. The sulfur concentration of the propane supplied to the facility shall not exceed 169 ppm by weight.
- 4.1.7. Emission points E-H1 - E-H15 shall not exhibit smoke and/or particulate matter (visible emissions) greater than ten (10) percent opacity based on a six minute block average. Compliance with this visible emission standard will be demonstrated by complying this the fuel type restriction in condition 4.1.6. of this permit.  
**[45CSR§2-3.1]**
- 4.1.8. Volatile Organic Compounds (VOC), including Hazardous Air Pollutants (HAP), emissions from working and standing losses from storage vessels, batch process vessels, unloading and filling operations at the facility shall not exceed 22.6 tons per year. This also includes VOC emissions from the new Paint Line (TK-310, EFUG1; RB-1, EFUG1; S-10, EFUG1) which are considered fugitive emissions. Compliance with this emission limit shall be conducted by determining actual VOC loss using the Emission Inventory Improvement Program (EIIP) Volume II: Chapter 8 Preferred and Alternative Methods for Estimating Air Emissions from Paint and Ink Manufacturing Facilities on a monthly basis.
- 4.1.9. PM/PM<sub>10</sub> emissions from the High Speed Dispersion and Mixing Tanks (DT-1 thru DT-6, DT-10, DT-11, TD-32, TD-42, and TD-45) shall be vented through Dust Collector DC-1 and/or Dust Collector DC-2. At least one of these dust collectors (DC-1 or DC-2) shall be on-line, properly maintained and functioning before the High Speed Dispersion and Mixing Tanks are placed into service.

- 4.1.10. Controlled emissions from Dust Collector DC-2 (Emission Point: EDC-2) shall not exceed the following limitations:

Pollutant	Maximum Controlled <sup>(1)</sup> Emissions	
	(lb/hr)	(ton/yr)
PM	0.96	1.0
PM <sub>10</sub>	0.77	0.8

(1) Based on a 95% control efficiency and operating/venting 2,080 hr/yr.

- 4.1.11. Dust Collector (DC-2, EDC-2) shall operate no more than 2,080 hr/yr based on a rolling 12-month total. Compliance with this provision shall be deemed compliance with the controlled PM/PM<sub>10</sub> annual emission limits in 4.1.10.
- 4.1.12. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any process source operation which is greater than twenty (20) percent opacity, except as noted in subsections 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7.  
**[45CSR §7-3.1.]**
- 4.1.13. No person shall cause, suffer, allow or permit any manufacturing process or storage structure generating fugitive particulate matter to operate that is not equipped with a system, which may include, but not be limited to, process equipment design, control equipment design or operation and maintenance procedures, to minimize the emissions of fugitive particulate matter. To minimize means such system shall be installed, maintained and operated to ensure the lowest fugitive particulate matter emissions reasonably achievable.  
**[45CSR §7-5.1.]**
- 4.1.14. At such reasonable times as the Director may designate, the operator of any manufacturing process source operation may be required to conduct or have conducted stack tests to determine the particulate matter loading in exhaust gases. Such tests shall be conducted in such manner as the Director may specify and be filed on forms and in a manner acceptable to the Director. The Director, or his duly authorized representative, may at his option witness or conduct such stack tests. Should the Director exercise his option to conduct such tests, the operator will provide all the necessary sampling connections and sampling ports to be located in such manner as the Director may require, power for test equipment and the required safety equipment such as scaffolding, railings and ladders to comply with generally accepted good safety practices.  
**[45CSR §7-8.1.]**
- 4.1.15. The Director, or his duly authorized representative, may conduct such other tests as he or she may deem necessary to evaluate air pollution emissions.  
**[45CSR §7-8.2.]**
- 4.1.16. Due to unavoidable malfunction of equipment, emissions exceeding those set forth in this rule may be permitted by the Director for periods not to exceed ten (10) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the malfunction. In cases

of major equipment failure, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director.

[45CSR §7-9.1.]

- 4.1.17. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary. [45CSR§13-5.11.]

## 4.2. Monitoring Requirements

- 4.2.1. To determine compliance with the methylene chloride emissions limit set forth in Condition 4.1.2., the permittee shall perform tests in accordance with 40 CFR 60, Appendix A, Method 18, upon request by the Director of the Division of Air Quality or an authorized representative of the same.
- 4.2.2. A leak detection and repair (LDAR) program in accordance with 40 CFR 61 Subpart V, shall be conducted for all equipment contacting materials with greater than 10% (by weight) methylene chloride concentration. The permittee shall submit copies of all LDAR reports to the Director of the Division of Air Quality in the manner and at the frequency required by the LDAR program under Subpart V and the program shall be implemented upon the issuance of this permit.
- 4.2.2. **Dust Collector (DC-2, EDC-2) Opacity Monitoring.** For the purpose of determining compliance with the PM/PM<sub>10</sub> emission limits set forth in Section 4.1.10. and the opacity limit set forth in Section 4.1.12. (per 45CSR7-3.1), the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for the Dust Collector (DC-2, EDC-2).

The visible emission checks shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix A, Method 9 certification course.

Visible emission checks shall be conducted for the Dust Collector (DC-2; EDC-2) at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions.

If visible emissions are present at the Dust Collector (DC-2; EDC-2) for three (3) consecutive

monthly checks, the permittee shall conduct an opacity reading at that source using the procedures and requirements of Method 9 as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A Method 9 observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.

### 4.3. Testing Requirements

*[Reserved]*

### 4.4. Recordkeeping Requirements

4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:

- a. The date, place as defined in this permit and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

- a. The equipment involved.
- b. Steps taken to minimize emissions during the event.
- c. The duration of the event.
- d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

- e. The cause of the malfunction.

- f. Steps taken to correct the malfunction.
  - g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.
- 4.4.4. To determine compliance with Section 4.1.4. , the permittee shall maintain calendar monthly records of all raw material deliveries via tank truck. These records shall contain the date of delivery, the raw material delivered, and indicate whether or not the controls (as described in Section 4.1.1. were applied. These records shall be completed at the end of each calendar month and shall be certified to be accurate and true by a Responsible Official and maintained on site for a period of 5 years. These records shall be made available for inspection upon request by the Director or a duly authorized representative of the Director.
- 4.4.5. To determine compliance with raw material throughput limits set forth in Section 4.1.1, the permittee shall maintain records for the liquid raw materials listed in Section 4.1.1. Such records shall be sufficient to show year-to-date usage information for the subject raw materials. Such records shall be maintained in accordance with 3.4.1. of this permit.
- 4.4.6. To demonstrate compliance with the VOC emission limit of 4.1.8., the permittee shall determine actual VOC losses from the facility using Emission Inventory Improvement Program (EIIP) Volume II: Chapter 8 Preferred and Alternative Methods for Estimating Air Emissions from Paint and Ink Manufacturing Facilities on a monthly basis. Such calculation shall be conducted once a month showing compliance with the limit using pervious 12 months. Such records shall be maintained in accordance with 3.4.1. of this permit.
- 4.4.7. **Monthly Opacity Reading For Dust Collector (DC-2, EDC-2).** For the purpose of demonstrating compliance with the PM/PM<sub>10</sub> emission limits set forth in Section 4.1.10. and the opacity limit set forth in Section 4.1.12. (per 45CSR7-3.1), the permittee shall maintain records (see example form given in attached Appendix A) of all monitoring data documenting the date and time of each visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6-10 mph NE wind) during the visual emission check(s). Should a visible emission observation be required to be performed per the requirements specified in Method 9, the data records of each observation shall be maintained per the requirements of Method 9. For an emission unit out of service during the normal monthly evaluation, the record of observation may note “out of service” (O/S) or equivalent.

#### **4.5. Reporting Requirements**

- 4.5.1. The permittee shall provide written notice to the Director at least thirty (30) days prior to the date of any intended substitution of raw materials listed under Section 4.1.1. and obtain written approval from the Director prior to such substitution.
- 4.5.2. Due to unavoidable malfunction of equipment, emissions exceeding those set forth in this rule may be permitted by the Director for periods not to exceed ten (10) days upon specific application to the

Director. Such application shall be made within twenty-four (24) hours of the malfunction. In cases of major equipment failure, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director.

- 4.5.3. Any opacity violation(s) discovered during observation of an emission source, must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days of the occurrence and shall include at a minimum the following information: the result(s) of the visible determination(s), the causes(s) or suspected cause(s) of the violation(s), and any corrective measure(s) taken or planned.



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### CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached \_\_\_\_\_, representing the period beginning \_\_\_\_\_ and ending \_\_\_\_\_, and any supporting documents appended hereto, is true, accurate, and complete.

Signature<sup>1</sup> \_\_\_\_\_ Date \_\_\_\_\_  
(please use blue ink) Responsible Official or Authorized Representative

Name and Title \_\_\_\_\_ Title \_\_\_\_\_  
(please print or type) Name

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

- 
- <sup>1</sup> This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:
- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
    - (i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
    - (ii) the delegation of authority to such representative is approved in advance by the Director;
  - b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
  - c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or
  - d. The designated representative delegated with such authority and approved in advance by the Director.